

CITY COUNCIL AGENDA

JUNE 27, 2000

SYNOPSIS

LINDA J. LE ZOTTE
CHARLOTTE POWERS
CINDY CHAVEZ
MARGIE MATTHEWS
MANNY DIAZ

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI
GEORGE SHIRAKAWA, JR.
ALICE WOODY
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT10

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

The City Council will address Time Certain items as closely to the time shown as possible.

1 CALL TO ORDER AND ROLL CALL

9:35 a.m. - Closed Session, Room 600, City Hall
Absent - Council Members: None.

1:37 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Member: None.

2 INVOCATION

**Father Dave Mercer, St. Martin of Tours delivered the invocation.
(District 6)**

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

4 ORDERS OF THE DAY

5 CEREMONIAL ITEMS

- a. Presentation of commendation and award for the Outstanding Employee Recognition Award to Daniel Ong, Librarian II, Library Department. (City Manager's Office)
Mayor Gonzales was joined by City Manager Del Borgsdorf and Librarian Jane Light for presentation of a commendation and award to Daniel Ong, Librarian II, as Outstanding Employee Recognition Award. City Manager Borgsdorf and Librarian Light commended his work in creating the WebPac, the acronym for Public Access Catalog on the Web. Mr. Ong thanked his colleagues at the Library and thanked the Mayor and City Council for the recognition of his work.

5 CEREMONIAL ITEMS

- b. Presentation of a commendation to Dave Bopf, Judy Miller, and Scott Troyer, who oversaw the development and implementation of the nation's first on-line permit issuance system for the City of San José, and acknowledgement of City staff team who contributed to the development and implementation of the same. (Planning, Building, and Code Enforcement)

Mayor Gonzales was joined by James Derryberry, Director of Planning, Building and Code Enforcement, for presentation of a commendation to Dave Bopf, Judy Miller, and Scott Troyer, for their leadership in developing and implementing the Nation's first on-line permitting system for the City of San José. Director Derryberry called to the podium for commendations were the City Staff team who contributed to the development of the system, which is the first step in the major implementation of the Integrated Development Tracking System, which will integrate both permit processing, document imaging and geographic Information Systems.

- c. Presentation of a commendation to Marian Holt McLain for 11 years of dedicated service to the City of San José as President and CEO of the Convention and Visitors Bureau. (Powers)

Council Member Powers joined Mayor Gonzales at the podium for presentation of a commendation to Marian Holt McLain, President and CEO of the Convention and Visitors Bureau, for her eleven years of dedicated service to the City of San José, upon her retirement from her position. Mayor Gonzales made the presentation and acknowledged her leadership role which attributed to the growth and success of the City of San José. Marian Holt McLain commended her Staff who were present in the audience and thanked the Mayor and City Council for this honor.

- d. Presentation of a commendation recognizing the United States Submarine Force on its 100th anniversary for its dedicated service. (Mayor)
(Rules Committee referral 6/21/00)

Mayor Gonzales presented a commendation to Jim Carpenter, President of the San Francisco Chapter of the Submarine Veterans of World War II, in recognition of the 100th anniversary of the United States Submarine Force and of their contributions in preserving the freedoms of our nation and the safety of its people. Mr. Carpenter thanked the Mayor and City Council on behalf of those who have served their country in this capacity over the years.

- e. Presentation of First Community Housing's first loan payment to the City of San José for the Rincon de los Esteros housing project to the City of San José.

Presentation of a facsimile check in the amount of \$214,485 as first loan payment from First Community Housing's for Rincon de los Esteros was made to Mayor Gonzales and District 4 representative, Council Member Matthews, and Housing Director Alex Sanchez. The presentation was made by First Community Housing's Tim Newsma and Board Chairman Gil Garcia and Council Member Matthews accepted on behalf of the City of San José.

5 CEREMONIAL ITEMS

- f. Farewell to Margie Matthews – Council Member Matthews was bid farewell by her colleagues on the occasion of her last meeting as a member of the San José City Council. **Council Member Margie Matthews’ colleagues on the City Council each expressed wishes for her success as she resigns her seat on the San José City Council as representative of District 4 and assumes her new position as Executive Officer in the Department of Recreation and Parks for the City of Los Angeles. Council Member Matthews was acknowledged for her excellent performance in representing District 4 by Mayor Gonzales. The City Council Members commended her leadership on the issues of hillside preservation and gun control, thanked her for her cooperation and support in numerous ways and expressed their personal admiration, and made special note of her dedication to the Alviso portion of her district, where her dedicated commitment brought the community together with a vision for their future. The collective sentiment of the Council Members on this last meeting with Council Member Margie Matthews was summed up by Vice Mayor Fiscalini, who stated that his sadness at her leaving is overshadowed by his joy and happiness for her in the new adventure which awaits her.**

6 CONSENT CALENDAR

a. Minutes for Approval

- (1) Regular Meeting of April 25, 2000
Approved.

b. Ordinances for Final Adoption

- (1) ORD. NO. 26139 – Adopts a limited, one-time Amnesty Program under which the City will forgive up to thirty percent of certain types of delinquent accounts, and any interest and penalties associated with such accounts, upon the debtor’s full payment of seventy percent of the total underlying amount of the delinquent account.
Ordinance No. 26139 adopted.
- (2) ORD. NO. 26140 – Amends Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Anti-tobacco Master Settlement Agreement Revenue Fund.
Ordinance No. 26140 adopted.
- (3) ORD. NO. 26143 – Establishes an Underground Utility District at Capitol Avenue (Phase II) from Olivestone Way to Capitol Expressway.
Ordinance No. 26143 adopted.

6 CONSENT CALENDAR

b. Ordinances for Final Adoption

- (4) ORD. NO. 26144 – Amends Sections 20.44.1220 and 20.44.1330 of Chapter 20.44 of Title 20 of the San José Municipal Code to amend the definition of “floor area ratio” and to make a technical change.
Ordinance No. 26144 adopted.
- (5) ORD. NO. 26145 – Rezones certain real property situated on the north side of Aborn Road, 82 feet westerly of Towers Lane. PDC 99-12-099
Ordinance No. 26145 adopted.
- (6) ORD. NO. 26146 - Rezones certain real property situated on the south side of Stokes Street between South Bascom and Southwest Expressway. PDC 00-02-013
Ordinance No. 26146 adopted.
- (7) ORD. NO. 26147 - Rezones certain real property situated on the southeast corner of Scaletta Lane and Almaden Road. C 00-03-020
Ordinance No. 26147 adopted.
- (8) ORD. NO. 26148 - Rezones certain real property situated on the southeasterly corner of Interstate 880 and Brokaw Road. C 00-05-029
Ordinance No. 26148 adopted.

c. Public Hearings Set by Council

- (1) Adoption of a resolution setting a public hearing on Tuesday, August 1, 2000 at 1:30 p.m. for the Fiscal Year 2000-2001 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance, and direction to the City Clerk to publish notice of the time and place of the hearing. (Finance)
Resolution No. 69700 adopted.
- (2) Adoption of the following resolutions in connection with Improvement District 99-218SJ (Hellyer-Piercy), Bond Series 24Q:
 - (a) A resolution of intention to form Improvement District 99-218SJ (Hellyer-Piercy), Bond Series 24Q.
Resolution No. 69701 adopted.
 - (b) A resolution approving the boundary map; preliminarily approving the Engineer’s Report; setting a public hearing on August 15, 2000 at 1:30 p.m. for tabulation of the property owner ballots; and, directing that the ballots and notices of said meeting and hearing be mailed to the property owners in the proposed District.
CEQA: Resolution No. 69699. (Public Works)
Resolution No. 69702 adopted.

6 CONSENT CALENDAR

d. Plans and Specifications

- (1) TRACT NO. 9246 – Within the Evergreen Specific Plan Area (ESP) and more specifically located on the northeast/corner of Aborn Road and Ruby Avenue – Larwin Company, a California Corporation (Developer) – 8 single family attached/detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9246. CEQA: Resolution No. 63179. District 8. (Public Works)

Resolution Nos. 69703-69706 adopted.

- (2) TRACT NO. 9266 – West side of Cahalan Avenue, approximately 150 feet south of Daily Avenue – DKB Homes, LLC (Developer) – 16 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9266. CEQA: ND. District 10. (Public Works)

Resolution Nos. 69707-69709 adopted.

e. Contracts/Agreements

- (1) Approval of a third amendment to the agreement with Spanish Masters, Inc. for bilingual advertising services, extending the term of the agreement from June 30, 2000 to June 30, 2001, and with no increase in compensation. (Environmental Services)

[Deferred from 6/13/00 – Item 6e(6)]

Approved.

- (2) Approval of an agreement with Glover/Resnick & Associates, Inc., for consultant services for the preparation of a needs assessment study and recommendations for security system upgrades at San José International Airport for the period July 1, 2000 to June 30, 2002, in an amount not to exceed \$150,000. CEQA: Resolution No. 67380. (Airport)

Approved.

- (3) Approval of a second amendment to the consultant agreement with KPMG LLP for services in connection with the selection and implementation of an Integrated Airport Accounts Receivable and Property Management System, to assign the agreement to KPMG Consulting, LLC, and to extend the agreement term from June 30, 2000 to June 30, 2001, with no increase in total compensation. (Airport)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (4) Adoption of a resolution authorizing the City Manager to negotiate and execute a seventh amendment to the Scheduled Airline Operating Agreement and Terminal Building Lease with United Airlines, Inc. (United) to provide for reimbursement by the City to United in an amount not to exceed \$50,000, for the removal of asbestos containing materials, third party monitoring of asbestos removal, and fireproofing in connection with the renovation of a portion of the operations' space occupied by United in Terminal C South Concourse, provided that United follows all City procurement policies and competitive bidding procedures in performing the removal. CEQA: Resolution No. 67380. (Airport)

Resolution No. 69710 adopted.

- (5) Adoption of a resolution authorizing the Director of General Services to negotiate and execute a first amendment to the Interim Agreement for Management of Airport Shuttle Bus Personnel and Scheduling with ShuttlePort, LLC, adding "Airport Curb Monitor" services and making clerical corrections in an additional amount not to exceed \$135,000. (Airport)

Resolution No. 69711 adopted.

- (6) Adoption of a resolution authorizing the City Manager to negotiate and execute a new Fuel Farm Ground Lease, Operating Agreement, and any other documents necessary to effect the transaction with San José Fuel, LLC, for the development of a jet fuel storage facility for a term of 30 years with an approximate annual rent to the City in the first year of \$180,908 for Phase 1. CEQA: Resolution No. 67380. (Airport)

Resolution No. 69712 adopted.

- (7) Adoption of a resolution authorizing the City Attorney to negotiate and execute a second amendment to the legal services agreement with Hoge, Fenton, Jones and Appel, Inc., increasing compensation by \$40,000, to a total amount not to exceed \$90,000. CEQA: Exempt. (City Attorney's Office)

Resolution No. 69713 adopted.

- (8) Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement for consulting services with Ernst & Young LLP for the period of June 12, 2000 through June 30, 2001, in an amount not to exceed \$90,000. (City Attorney's Office)

Resolution No. 69714 adopted.

- (9) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with John Montgomery for the provision of services as the City's legislative representative in Washington D.C. for the period July 1, 2000 to June 30, 2001, for a total agreement amount of \$114,167. (City Manager's Office)

Resolution No. 69715 adopted.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (10) Adoption of a resolution authorizing the City Manager to negotiate and execute a new agreement with San José Arena Management (SJAM) for the operation and maintenance of the Carousel, Children's Play Area, and restrooms in the Arena Green area of the Guadalupe River Park and Gardens for a term of two (2) years, with an option for an additional one (1) year extension, at a cost to the City not to exceed \$136,022 per year. (Conventions, Arts and Entertainment)

Resolution No. 69716 adopted.

- (11) Approval of a second continuation agreement with San José Golf, LLC for Golf Course Grow-in and Equipment Purchases for the Rancho del Pueblo Golf Course for the period August 19, 1999 to September 30, 2000, inclusive, at no additional cost to the City. (Conventions, Arts and Entertainment)

Approved.

- (12) Approval of an agreement with Juan Vigil for administration and loan packaging services for the Development Enhancement Fund for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$81,600. (Economic Development)

Dropped.

- (13) Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute a second amendment to the agreement with GLS Research for market research increasing the compensation by \$33,200, from \$113,800 to \$147,000, and extending the term of the agreement by one (1) year, from June 30, 2000 to June 30, 2001.
- (b) Authorizing the City Manager to exercise an option for additional services and to increase the maximum amount of compensation to \$212,000, upon execution by Pacific Gas & Electric Company of an agreement providing funding for the Community Energy Services Program.

(Environmental Services)

Resolution No. 69717 adopted.

- (14) Approval of a sixth amendment to the agreement with GreenTeam of San José for Integrated Waste Management Services, that allows for the provision of waste oil and oil filter collection from multi-family properties volunteering to participate in a waste oil and oil filter recycling pilot, increasing compensation by \$57,586, from \$57,586 to \$115,172, and extending the term of the pilot from July 1, 2000 to June 30, 2001. (Environmental Services)

Approved.

- (15) Approval of a third amendment to the consultant agreement with MindShare Design, Inc. to provide web page design and development, increasing compensation by \$60,000, from \$84,330 to \$144,330, and extending the agreement term from July 1, 2000 to June 30, 2001. (Environmental Services)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (16) Approval of a fifth amendment to the agreement with San José State University Foundation for technical and customer assistance for Water Efficiency Programs, extending the term of the agreement from July 1, 2000 to June 30, 2001, amending the scope of services, and increasing the compensation by \$99,982, from \$282,305 to \$382,287. (Environmental Services)
Approved.
- (17) Adoption of a resolution authorizing the City Manager to execute agreements and amendments to agreements with eligible plumbing supply wholesalers who want to participate in the Ultra Low Flush Toilets (ULFTs) Voucher Program for Commercial, Industrial, Institutional (CII) school district and city-owned properties located throughout the tributary area through June 30, 2001, at a total cost for FY 2000-01 not to exceed \$90,000. (Environmental Services)
Resolution No. 69718 adopted.
- (18) Approval of an amendment to the continuation agreement with Envall Graphic Design for graphic design services, extending the agreement term from July 1, 2000 to June 30, 2001, and increasing compensation by \$24,000, from \$53,000 to \$77,000. (Environmental Services)
Approved.
- (19) Approval of an amendment to the continuation agreement with Fortune² Design for graphic design services, extending the term of the contract from July 1, 2000 to June 30, 2001, and increasing compensation by \$41,000, from \$53,000 to \$94,000. (Environmental Services)
Approved.
- (20) Adoption of a resolution authorizing the City Manager to execute a first amendment to the agreement with the Santa Clara Valley Water District (District) for the implementation of water conservation programs through June 30, 2000, to allow reallocation of reimbursement funds among the authorized programs and to add a District program eligible for reimbursement, at no additional cost to either party. (Environmental Services)
Resolution No. 69719 adopted.
- (21) Approval of amendments to the City of San José Master Repurchase Agreements for Banc of America Securities, LLC, First Tennessee Bank, Paine Webber Incorporated, Union Bank of California, N.A. and Zions First National Bank to extend their terms for three (3) years and update the persons authorized to execute transactions on behalf of the City. (Finance)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (22) Approval of the first amendment to the general banking services agreement with Bank of America to extend the term of the agreement on a month-to month basis, not to exceed a period of six (6) months, at existing rates. (Finance)

Approved.

- (23) Approval of purchase of an insurance policy providing airport liability coverage from Phoenix Aviation Managers for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$98,000. (Finance)

Approved.

- (24) Approval of the purchase of an insurance policy providing excess workers' compensation coverage from American International Group (AIG) for the period July 1, 2000 to June 30, 2001, in amount not to exceed \$164,090. (Finance)

Approved.

- (25) (a) Approval of an agreement between the City and E. Wagner & Associates, Inc for financial advisory services related to the formation of a community facilities district for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$60,000 for the term August 28, 1999 to December 31, 2001.

Approved.

- (b) Approval of an agreement between the City and Jones Hall for legal services related to the formation of a community facilities district for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$80,000, for the term October 15, 1999 to December 31, 2000.

Approved.

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City and Berryman & Henigar for engineering services and special tax consultant services related to the formation of a community facilities district for the financing and reimbursement of costs associated with completing the public infrastructure for Phase I development in North Coyote Valley in an amount not to exceed \$62,000, for the term January 18, 2000 to December 31, 2000.

(Finance)

Resolution No. 69720 adopted.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (26) Approval of an agreement with Club One, Inc. to provide a comprehensive Wellness Program for the San José Fire Department for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$211,100. (Fire)

Approved.

- (27) Approval of an agreement with Howard E. Michaels, M.D. to serve as Medical Director of the Fire Department's EMS Program for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$81,062. (Fire)

Approved.

- (28) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with MHN Services (formally known as "Foundation Health Psychcare Services") to develop and deliver a Human Relations Training Program for all Fire Department personnel for the period May 1, 2000 to September 30, 2000, at no additional cost to the City. (Fire)

Resolution No. 69721 adopted.

- (29) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1999-2000 #41, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

- (30) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-01 #1, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

- (31) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-01 #2, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

- (32) Adoption of a resolution authorizing the City Manager to execute a third amendment to the agreement with HTE-UCS, Inc. to add eighty-five (85) additional PoliceWorks Mobile Data and Report Writing software concurrent licenses for the Police Department at an additional cost of \$84,651.50, including tax, for a total cost of \$611,951.50. (General Services)

Resolution No. 69722 adopted.

- (33) Report on bids and award the purchase of Airport Mobile Passenger Walkways to the sole bidder, Infra-Structures Inc., at a total cost of \$167,548.27, including tax, and authorization for the Director of General Services to execute the purchase order. CEQA: Resolution No. 67380. (General Services)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (34) Adoption of a resolution authorizing the City Manager to execute a fifth amendment for additional services for an interface between the current PRC Public Management Services, Inc. (PRC) message switch and the Tiburon Automated Information System message switch, and extension of the agreement term to October 31, 2000, with PRC Public Management Services, Inc., at an additional cost of \$12,167, including tax, for a total cost of \$2,034,631. (General Services)

Resolution No. 69723 adopted.

- (35) Report on bids and award of the purchase of safety equipment for the Police Department to the low bidder, Vallen Safety Supply Co., for a total cost of \$179,442.81 including tax, and authorization for the Director of General Services to issue the purchase order for the:
- (a) Immediate purchase of 1,000 facepieces.
 - (b) Subsequent purchase of facepieces and canisters at the same bid price for one (1) year without further Council action other than the appropriation of the necessary funds.

(General Services)

Approved.

- (36) Adoption of a resolution authorizing the Director of General Services to:
- (a) Execute a second amendment to the agreement for an automated, integrated library system with Epixtech, Inc. for the purchase of one (1) Sun Enterprise server in the amount of \$43,790.99, including tax, installation, and maintenance.
 - (b) Execute change orders for any additional unanticipated equipment requirements, associated maintenance and installation, or services not covered under the maintenance agreement, for the term of the agreement through June 30, 2003, and not to exceed a maximum contingency amount of \$100,000.

(General Services)

Resolution No. 69724 adopted.

- (37) Approval of the proposed agreement with Ben Ovshinsky to provide citywide training and consulting services for the Human Resources Department in organizational development principles for the period May 1, 2000 to June 30, 2001, in an amount not to exceed \$75,000. (Human Resources)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (38) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Community Crime Prevention Associates (CCPA) for San José B.E.S.T. (Bringing Everyone's Strengths Together) Program evaluation services for the period May 1, 2000 to September 30, 2001, in an amount not to exceed \$83,970. (Parks, Recreation and Neighborhood Services)

Resolution No. 69725 adopted.

- (39) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements for Parks, Recreation and Neighborhood Services programs consistent with the amounts budgeted for these programs in the adopted budget for Fiscal Year 2000-01. (Parks, Recreation and Neighborhood Services)

Resolution No. 69726 adopted.

- (40) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Kidz Love Soccer for soccer instruction services to increase compensation by \$100,000, from \$50,000 to an agreement amount not to exceed \$150,000, for the period September 15, 1999 to August 31, 2000. (Parks, Recreation and Neighborhood Services)

Resolution No. 69727 adopted.

- (41) Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Moore Iacofano Goltsman (MIG), to expand the scope of services related to the development of the Parks and Community Facilities and Programs Strategic Plan, to increase compensation by \$30,000, for total compensation not to exceed \$423,000, and to extend the term of the agreement to September 30, 2000. (Parks, Recreation and Neighborhood Services)

Resolution No. 69728 adopted.

- (42) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Humane Society of Santa Clara Valley for animal code enforcement services for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$140,000. (Planning, Building and Code Enforcement)

Resolution No. 69729 adopted.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (43) Adoption of a resolution authorizing the City Manager:
- (a) To negotiate and execute agreements for Plan Check Consulting Services for the period July 1, 2000 to June 30, 2003, with each of the following companies with first year maximum annual compensation not to exceed the amounts indicated:
 - (1) Esgil Corporation, in the amount of \$50,000.
 - (2) Kutzman and Associates, in the amount of \$85,000.
 - (3) Linhart, Petersen, Powers Associates, Inc. (LP2A), in the amount of \$115,000.
 - (4) R.K. Associates, in the amount of \$15,000.
 - (5) Phillips Group, in the amount of \$30,000.
 - (b) To make changes in the maximum annual compensation allowed under the agreements without further Council action other than the appropriation of necessary funding.

(Planning, Building and Code Enforcement)

Resolution No. 69730 adopted.

- (44) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the National Conference for Community and Justice, formerly known as the National Conference of Christians and Jews (NCCJ), to provide victim advocate services for the period July 1, 2000 to June 30, 2001, at an agreement cost not to exceed \$52,264. (Police)

Resolution No. 69731 adopted.

- (45) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the National Conference for Community and Justice, formerly known as the National Conference of Christians and Jews (NCCJ), to provide a Child Interview Center (CIC) Coordinator and reimbursable expenses for the period July 1, 2000 to June 30, 2001, at an agreement cost not to exceed \$51,085. (Police)

Resolution No. 69732 adopted.

- (46) Approval of the second amendment to the agreement with the California Highway Patrol (CHP) for traffic enforcement services on City Expressways having High Occupancy Vehicle Lanes for Fiscal Year 2000-2001, and obligating the City to guarantee a portion of annual revenue received by CHP for such services in an amount not to exceed \$68,550. (Police)

Approved.

- (47) Approval of a third amendment to the agreement with Lead Simm for Strategic Interactive Simulated Police Training Sessions extending the term of the agreement through September 30, 2000, at no additional cost to the City. (Police)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (48) Approval of an agreement for consultant services with URS Greiner Woodward-Clyde International Americas to provide project design and environmental engineering services for the Alviso Education Center mitigation (Education Center) in an amount not to exceed \$210,000. (Public Works)

Approved.

- (49) Approval of the third amendment to the consultant design services agreement with Carollo Engineers for the design of the Downer Canoas Ferrous Chloride Injection Station, extending the term of the agreement from July 1, 2000 to June 30, 2002, at no additional cost to the City. (Public Works)

Approved.

Staff directed to pursue community input efforts prior to commencement of the work.

- (50) Report on bids and award of contract for the Phelan Avenue Interim Improvement Project to the low bidder, Granite Construction Company, in the amount of \$106,398, and approval of a contingency in the amount of \$11,000. CEQA: Exempt. (Public Works)

Approved.

- (51) Approval of an amendment to the continuation agreement for consultant services with Metcalf & Eddy for the South Bay Water Recycling Pump Stations and Reservoir Project, extending the term of the agreement from July 1, 2000 to June 30, 2001, at no additional cost to the City. (Public Works)

Approved.

- (52) Approval of a continuation agreement with Biggs Cardosa Associates, Inc. for the Chynoweth Avenue Bridge Project, extending the term of the agreement from April 1, 1999 to August 31, 2000, at no additional cost to the City. (Public Works)

Approved.

- (53) Approval of the first amendment to the agreement with Garcia Teague Architecture + Interiors for architecture consultant services for the Hank Lopez Community Center Expansion Project, extending the agreement term from September 8, 2000 to August 16, 2001, and increasing compensation by \$184,738, from \$45,262 to \$230,000. (Public Works)

Approved.

- (54) Approval of the first amendment to the agreement with Hellmuth, Obata & Kassabaum, Inc. (HOK), for architectural programming services for the New San José Civic Center Project, increasing compensation by \$30,000, from \$325,000 to \$355,000. (Public Works)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (55) Approval of an agreement with San José Neighborhood and Housing Services, a California Nonprofit Benefit Corporation, for the purchase of a single family residential property located at 1807 Sarasota Way in the amount of \$280,000. CEQA: Exempt. (Public Works)
Approved.
- (56) Approval of a consultant agreement with Group 4 Architecture Research and Planning, Inc. for architectural services for the Central Service Yard Phase II Project for the period May 26, 2000 to January 31, 2001, in an amount not to exceed \$205,000. (Public Works)
Approved.
- (57) Approval of an additional amount of \$8,754.18 for audiovisual equipment required for the Council Chambers Audiovisual Equipment Project, with no change to the total cost of the Project and at a total audiovisual equipment cost of \$333,754.18, and authorization for the Director of General Services to execute an amended purchase order. CEQA: Exempt. (Public Works/General Services)
Approved.
- (58) Approval of a five-year ground lease on the southeast corner of San Pedro and Mission Streets in San José to the Green Valley Corporation permitting development of a parking lot at no cost to the City, and requiring Green Valley to allow the City to use 15 of the developed parking spaces at a monthly rate of \$675 with annual Consumer Price Index increases. (Public Works)
Dropped.
- (59) Report on bids and award of contract for the Pfeiffer Park Play Area Project to the low bidder, Lone Star Landscape, Inc. to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$240,000, and approval of a contingency in the amount of \$24,000. CEQA: ND. (Public Works)
Approved.
- (60) Report on bids and award of contract for the purchase and installation of Facilities Trailers at San José International Airport to the 1 to the sole bidder, Space Leasing Co., for the base bid and Add Alternates Nos. 1, 2, and 3 in the amount of \$195,549, and approval of a contingency in the amount of \$20,000. CEQA: Resolution No. 67380. (Public Works)
Approved.
- (61) Report on bids and award of contract for the Terminal C, Room C-12 Renovation Project to the lowest responsive bidder, Eddie Torrez Construction Co., Inc., in the amount of \$290,000, and approval of a contingency in the amount of \$29,000. CEQA: Resolution No. 67380. (Public Works)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (62) Report on bids and award of contract for the Berryessa Creek Park Irrigation Renovation Rebid 2 Project to the low bidder, Karleskint-Crum, Inc., for the base bid and Add Alternates Nos. 1, 2, 3, and 4 in the amount of \$320,610, and approval of a contingency in the amount of \$32,000. CEQA: Exempt. (Public Works)

Deferred to 8/1/00.

- (63) Report on bids and award of contract for the Olinder Community Center – ADA Upgrade to the low bidder, Eddie Torrez Construction, in the amount of \$215,500, and approval of a contingency in the amount of \$12,000. CEQA: Exempt. (Public Works)

Approved.

- (64) Report on bids and award of contract for the Hank Lopez Community Center Expansion Phase I: Basketball Court to the low bidder, HRB Construction, in the amount of \$108,292, and approval of a contingency in the amount of \$10,829. CEQA: Exempt. (Public Works)

Approved.

- (65) Report on bids and award of contract for the Camden Center Restroom Renovation to the low bidder, Eddie Torrez Construction, in the amount of \$171,000, and approval of a contingency in the amount of \$18,000. CEQA: Exempt. (Public Works)

Approved.

- (66) Adoption of a resolution authorizing the City Manager to negotiate and execute a license agreement with Pacific Gas and Electric Company in the amount of \$24,000 for the first year, with cost to be compounded at a rate of 6% in subsequent years for a maximum of ten (10) years ending August 31, 2010, for the purpose of providing Arena employees with parking on event days. CEQA: Exempt. (Streets and Traffic)

Resolution No. 69733 adopted.

- (67) Approval of an employment agreement with Michael O. Barry to provide administrative hearing officer services for parking and administrative citations for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$62,500, with four (4) one-year options to extend the agreement which may be exercised by the Director of Streets and Traffic. (Streets and Traffic)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (68) Approval of a grant agreement with the San José Downtown Association for a downtown area shuttle program to be provided by the Santa Clara Valley Transportation Authority for the period July 3, 2000 to June 30, 2001, in an amount not to exceed \$130,000. CEQA: Resolution No. 68839. (Streets and Traffic)

Approved.

- (69) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Cooperative Personnel Services (CPS), a non-profit California-based government agency, in the amount of \$175,000, for the period January 1, 2000 to December 31, 2000, for professional consultant services to assist the Human Resources Department with Citywide hiring, training, and other services related to personnel management. (Human Resources)
(Rules Committee referral 6/21/00)

Resolution No. 69734 adopted.

- (70) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San José Unified School District to provide grading, turf, and irrigation on a 1.7 acre parcel of City park land at Canoas Park for total compensation not to exceed \$150,000. CEQA: Exempt. (Parks, Recreation and Neighborhood Services)
(Rules Committee referral 6/21/00)

Resolution No. 69735 adopted.

- (71) Approval of a second amendment to the agreement with Next Door, Solutions to Domestic Violence that would extend the term of the existing agreement through September 30, 2000, and increase the compensation by \$39,000, for a total of \$309,000. (Police)
(Rules Committee referral 6/21/00)

Approved.

- (72) Report on bids and award of contract for the Leininger Community Center Renovation Project to the sole bidder, Frank Surian & Sons, Inc., for the base bid in the amount of \$242,524, and approval of a contingency in the amount of \$24,476. CEQA: Exempt. (Public Works)
(Rules Committee referral 6/21/00)

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (73) Approval of an increase in the amount of the contingency by \$32,000, for a total contingency amount of \$50,000, for the Construction of the Wheelchair Ramp Project CP2000, and approval of Contract Change Order (CCO) No. 1 with Vanguard Construction in the amount of \$31,029.25, for a total contract amount of \$206,472.25. CEQA: Exempt. (Public Works)
(Rules Committee referral 6/21/00)

Approved.

- (74) Approval of the second amendment to the consultant agreement with Mark Thomas and Company, Inc. for survey related services extending the term of the agreement for one (1) year, from July 1, 2000 to June 30, 2001, at no additional cost to the City. (Public Works)
(Rules Committee referral 6/21/00)

Approved.

- (75) Adoption of a resolution authorizing the City Manager to negotiate and execute three (3) master agreements for design consultant services with three (3) landscape architecture firms for Various Park and Recreation Projects, with total fees for each agreement not to exceed \$200,000, and with terms for each agreement starting from the date of execution to December 31, 2001, inclusive, with:

- (a) Tom Richman & Associates, Incorporated
- (b) thebealsgroup, incorporated
- (c) Callander Associates

(Public Works)

(Rules Committee referral 6/21/00)

Resolution No. 69736 adopted.

f. Routine Legislation

- (1) Adoption of a resolution determining that public interest and necessity require the acquisition of an easement for a pump station over a portion of property located southeasterly of Willow and Minnesota Streets owned by Outdoor Systems, Inc. and directing the City Attorney to file an eminent domain action. CEQA: Exempt. (Public Works)

[Deferred from 4/11/00 – Item 6f(2) et al., and 6/13/00 – Item 6f(1)]

Resolution No. 69737 adopted.

6 CONSENT CALENDAR

f. Routine Legislation

- (2) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund with a net impact to the fund of \$441,900 and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements. (City Manager's Office)

Ordinance No. 26149 adopted.

Resolution Nos. 69738-69739 adopted.

- (3) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's personal services appropriation by \$180,000 for a grant received from the Office of Criminal Justice Planning for the High Technology Theft Apprehension and Prosecution Program for reimbursement of investigator overtime. (Police/City Manager's Office)

Ordinance No. 26150 adopted.

Resolution No. 69740 adopted.

- (4) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's non-personal expenses appropriation by \$95,004 as reimbursement under SB720 from the County of Santa Clara for maintenance of the Automated Fingerprint Identification System (printrak livescan). (Police/City Manager's Office)

Ordinance No. 26151 adopted.

Resolution No. 69741 adopted.

- (5) Authorize the City Manager to take the necessary steps to obtain the required State legislation to permit the possible land exchange of approximately 3.8 acres of City owned property on Senter Road for approximately 13 acres of property along the east side of Coyote Creek. (Parks, Recreation and Neighborhood Services)

Approved.

- (6) Adoption of a resolution declaring a parcel of City-owned land, south of Beckham Drive and east of Cottle Road, surplus to the needs of the City, and authorizing its transfer to the adjoining property owners. (Public Works)

Resolution No. 69742 adopted.

- (7) Adoption of a resolution determining that public use and necessity require the acquisition of a parcel of land owned by Glenn L. Frizzell and Marilyn L. Frizzell, husband and wife as joint tenants, located at 517 South Sixth Street, and directing the City Attorney to file an eminent domain action. (Public Works)

Resolution No. 69743 adopted.

6 CONSENT CALENDAR

f. Routine Legislation

- (8) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a parcel of land owned by Vincent R. Maestri, et al, together with a right of entry over a portion of the remainder of the property located at 2050 North First Street, and directing the City Attorney to file an eminent domain action. CEQA: Resolution No. 67567. (Public Works)
[Deferred from 6/20/00 – Item 6f(2)]

Deferred to 8/1/00.

- (9) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a parcel of land owned by Vincent R. Maestri, et al, together with a right of entry over a portion of the remainder of the property located at 2040 North First Street, and directing the City Attorney to file an eminent domain action. CEQA: Resolution No. 67567. (Public Works)
[Deferred from 6/20/00 – Item 6f(3)]

Deferred to 8/1/00.

- (10) Approval of the Fiscal Years 1998-1999 and 1999-2000 San José Arena Management Normal Capital Repairs and Replacements and Parking Capital Repairs and Replacements Budgets. (San José Arena Authority)
[Deferred from 6/13/00 – Item 6f(5)]

Deferred to 8/1/00.

- (11) Adoption of appropriation ordinance and funding sources resolution and amendments in the HOME Investment Partnership Program Fund in the total amount of \$4,716,250, for the Crossway Senior Housing Project and the Willow Glen Way Senior Housing Project. (City Manager's Office)
(Rules Committee referral 6/21/00)

Ordinance No. 26152 adopted.

Resolution No. 69744 adopted.

- (12) Adoption of a resolution approving a new Memorandum of Agreement with the San José Police Officers' Association (POA), subject to ratification by the POA. (Employee Relations)
(Rules Committee referral 6/21/00)

Dropped.

- (13) Adoption of a resolution approving a new Memorandum of Agreement with the International Association of Firefighters, Local 230, subject to ratification by Local 230. (Employee Relations)
(Rules Committee referral 6/21/00)

Dropped.

6 CONSENT CALENDAR

f. Routine Legislation

- (14) Waiver of certain provisions of the Revolving Door Ordinance to allow Senior Deputy City Attorney Tom Ruby to provide consulting legal services to the City. (City Attorney's Office)
(Rules Committee referral 6/21/00)

Approved.

- (15) Approval of travel to Dublin, Ireland for:
- (a) Vice-Mayor Frank Fiscalini, July 4-15, 2000, to lead the San José/Dublin Sister Cities Delegation on behalf of the Mayor. Funding: Council General. (Fiscalini)
 - (b) Council Member Chavez, July 5-14, 2000, on San José/Dublin Sister Cities business. Funding: Personal. (Chavez)
 - (c) Council Member LeZotte, July 5-14, 2000, on San José/Dublin Sister Cities, San José International Airport, and Retirement Board business. Funding: Retirement and Personal. (LeZotte)
 - (d) Council Member Powers, July 4-14, 2000, on San José/Dublin Sister Cities and San José International Airport business. Funding: Airport and Personal. (Powers)

(Rules Committee referral 6/21/00)

Approved.

- (16) Approval of an ordinance amending Title 14 of the San José Municipal Code to add Chapter 14.28 to establish a procedure for the financing of certain municipal improvements through the issuance of general obligation bonds. (City Attorney's Office)
(Rules Committee referral 6/21/00)

Ordinance No. 26153 passed for publication.

END OF CONSENT CALENDAR

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

- a. **Report of the Committee of the Whole**
Mayor Gonzales, Chair
No report.

- b. **Report of the Rules Committee**
Vice Mayor Fiscalini, Chair
Meeting of June 14, 2000

- (1) Review June 27, 2000 Draft Agenda
The Committee approved the June 27, 2000 City Council agenda with one addition and two changes.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee

Vice Mayor Fiscalini, Chair

Meeting of June 14, 2000

- (2) Add New Items to June 20, 2000 Amended Agenda
The Committee recommended five additions to the June 20, 2000 City Council agenda.
- (3) Meeting Schedules
There were none.
- (4) The Public Record
The Committee noted and filed the Public Record.
- (5) Boards and Commissions
 - (a) Human Rights Commission
The Committee recommended appointment of Ashu Kalra to an unexpired term ending December 31, 2001.
 - (b) Parks and Recreation Commission request to change commission terms from one four-year term to two three-to-four year terms
The Committee referred this request to the City Clerk for a report back to the Rules Committee on August 2, 2000.
 - (c) Senior Citizens Commission request to change commission terms from one four-year term to two three-to-four year terms
The Committee referred this request to the City Clerk for a report back to the Rules Committee on August 2, 2000.
- (6) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Request to direct the City Administration to begin the process to add a retiree to the Federated Retirement Board
The Committee referred this item to the Administration for a report back at the August 2, 2000 Rules Committee meeting regarding an assessment of the time and resources involved to complete the request.
- (7) Oral communications
None presented.
- (8) Adjournment
The meeting was adjourned at 2:15 p.m.

Rules Committee report and actions of June 14, 2000 accepted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee

Vice Mayor Fiscalini, Chair

Meeting of June 21, 2000

- (1) Add New Items to June 27, 2000 Amended Agenda
The Committee recommended twenty-nine additions to the June 27, 2000 City Council agenda.
- (3) Meeting Schedules
 - (a) Request to schedule a Study Session on August 8, 2000 to review the Strong Neighborhoods Initiative process and strategy
The Committee recommended a study session on August 8, 2000, immediately following the City Council meeting, to review the Strong Neighborhoods Initiative process and strategy.
- (4) The Public Record
The Committee noted and filed the Public Record.
- (5) Approval of the City of San José's 2000 Legislative Priorities and Legislative Policy Guidelines
The Committee accepted the report on the City of San José's 2000 Legislative Priorities and Policy Guidelines and directed the Administration to send each Council Standing Committee their respective sections of the report for discussion and review at their first meeting in August, and subsequent report back to the Rules Committee.
- (6) Boards and Commissions
 - (a) Advisory Commission on Rents
The Committee recommended appointment of Scott Lieberman as the tenant representative for a term ending December 31, 2003.
- (7) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Request for a Study Session on Smart Growth
The Committee referred this item to the Administration for a report back to the Rules Committee on August 9, 2000 regarding an assessment of the time and resources involved to complete the request.
 - (b) Request to redefine a city ordinance to include prohibiting storage of RV's in the front setback area of a residence
The Committee referred this item to the Administration for a report back to the Rules Committee on August 9, 2000 regarding an assessment of the time and resources involved to complete the request.
- (8) Oral communications
None were presented.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee

Vice Mayor Fiscalini, Chair

Meeting of June 21, 2000

- (9) Adjournment
The meeting was adjourned at 2:15 p.m.

Rules Committee report and actions of June 21, 2000 accepted.

c. Report of the Finance and Technology Committee – June 14, 2000

Council Member Woody, Chair

- (1) Monthly Investment Report for April 2000
The Committee accepted the Staff report.
- (2) Monthly Financial Report for April 2000
The Committee accepted the Staff report.
- (3) Capital Facilities Financing Strategy
This item heard by Council on 6/20/00.
- (4) An Audit of the City of San José Building Division's Permit Fee Process
The Committee accepted the Staff report.
- (5) IT Master Plan
The Committee accepted the IT Master Plan with the direction that Staff give a status report to the Finance and Technology Committee on a quarterly basis and that report-out to Council be deferred to August, 2000.
- (6) Recycle Plus Customer Service Project Status Report
The Committee accepted the Staff report.
- (7) Oral petitions
William Garbett spoke on the lack of public input during the meeting.
- (8) Adjournment
The meeting was adjourned at 10:50 a.m.

Finance and Technology Committee report and actions of June 14, 2000 accepted.

d. Report of the Economic and Community Development Committee

Council Member Diaz, Chair

No report.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

e. Report of the Transportation and Environment Committee

Council Member Powers, Chair

No report.

f. Education, Neighborhoods, Youth, and Seniors Committee – June 19, 2000

Council Member Shirakawa, Jr., Chair

- (1) San José B.E.S.T. Cycle X Allocation Report

The Committee accepted the report.

SEE ITEM 9kkk FOR COUNCIL ACTION TAKEN.

- (2) Report and Recommendations on the *City of San José Strategic Plan, Services for Persons with Disabilities*

The Committee accepted the report.

- (3) Youth Commission Monthly Report

The Committee accepted the report.

- (4) Report on Abandoned Shopping Carts issue

The Committee accepted the report.

- (5) Approval of the Education, Neighborhoods, Youth, and Seniors Committee Workplan

The Committee accepted the report.

- (6) Oral petitions

None presented.

- (7) Adjournment

The meeting was adjourned at 3:16 p.m.

Education, Neighborhoods, Youth and Seniors Committee report and actions of June 19, 2000 accepted.

8 LAND USE AND DEVELOPMENT

- a. Adoption of a resolution designating certain trees as Heritage Trees, adding 96 trees to the Heritage Tree List and deleting two (2) trees, # 25 and #104 from the list, and repealing Resolution No. 60892, approved September 20, 1988. (Planning, Building and Code Enforcement)

Resolution No. 69745 adopted.

8 LAND USE AND DEVELOPMENT

- b. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of South 11th Street, 130 feet northerly of San Carlos Street, (260 South 11th Street) from R-3-F Residence Zoning District to A(PD) Planned Development, for a 58-bed residential care facility of disabled adults on a 0.43 acre site, and REQUEST FOR REASONABLE ACCOMMODATION for a claim for a 58-bed residential care facility to operate with nine (9) on-site parking spaces for staff and visitors. (Mustafa and Elodie Sabankaya, Owner; Ali Baba Corp., Developer) CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).

PDC 96-12-080 and RA 00-04-004 – District 3

(Continued from 11/16/99 – Item 15d et al., and 6/20/00 – Item 15d)

Public Hearing opened, two speakers addressed Council and the hearing was closed. Council approved the Staff recommendation dated June 15, 2000 and recommendations by Council Member Chavez dated June 27, 2000. Ordinance No. 26154 passed for publication.

9 GENERAL GOVERNMENT

- a. Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority (VTA) extending the term of the agreement from July 1, 2000, to June 30, 2001, in an amount not to exceed \$1,500,000. CEQA: Resolution No. 67380. (Airport)

Resolution No. 69746 adopted.

- b. (1) Adoption of a resolution authorizing the City Manager to negotiate and execute:
- (a) A second amendment to Ramp Lease with American Airlines, Inc. to replace Gate A-1 with a new temporary jetway and gate at the Ramp Lease area, effective on or about October 27, 2000.
 - (b) A fourth amendment to Ground Lease with American Airlines, Inc. to provide for the replacement of Gate A-1 with a new temporary jetway and gate, at that portion of Terminal A commonly referred to as the A+ Addition, effective on or about October 27, 2000.
 - (c) A tenth amendment to Operating Agreement and Terminal Building Lease with American Airlines, Inc. to provide for the occupancy of 1,425 square-feet of preferential holdroom space and 2,570 square-feet of common use holdroom space in Terminal A, effective on or about October 27, 2000, with annual revenue to the City of \$259,826.

Resolution No. 69747 adopted.

(Continued on next page)

9 GENERAL GOVERNMENT

- b. (2) Approval of a fourth amendment to Operating Agreement and Terminal Building Lease with Southwest Airlines Co. to provide for the occupancy of 12,946 square-feet of preferential holdroom space and 2,570 square-feet of common use holdroom space in Terminal A, effective on or about October 27, 2000, with annual revenue to the City of \$2,010,268.

CEQA: Resolution No. 67380. (Airport)

Approved.

- c. Adoption of a resolution authorizing the City Manager to accept a grant from the Valley Transportation Authority (VTA) for the San José International Airport Program for natural gas fueled shuttle buses and infrastructure to serve the consolidated rental car facility transit needs in the amount of \$1,000,000 and to execute all related documents.

CEQA: Resolution No. 67380. (Airport)

Resolution No. 69748 adopted.

- d. Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement with Miller and Van Eaton for cable franchise consultant services in an additional amount of \$120,000 for a total contract cost not to exceed \$346,000, and to extend the term of the consultant agreement from June 30, 2000 to June 30, 2001. (City Manager's Office)

Resolution No. 69749 adopted.

- e. Adoption of appropriation ordinance and funding sources resolution amendments for FY 2000-2001 in the Municipal Golf Course Fund for the Tuers Golf Course and in the Services for Redevelopment Capital Projects Fund for the Northside Community Center. (City Manager's Office)

Ordinance No. 26155 adopted.

Resolution No. 69750 adopted.

- f. Adoption of a resolution authorizing the City Manager to:

- (1) Negotiate and execute a management agreement with StreamLine Communications, Inc. to provide communication services at the San José Convention and Cultural Facilities (CCF) with annual compensation payable from operating revenues not to exceed \$560,000, for the period February 1, 1998 to January 31, 2001.
- (2) Exercise the option to extend the term of the agreement for one additional five-year period.

(Conventions, Arts and Entertainment)

Resolution No. 69751 adopted.

- g. Approval of an agreement with the San José Convention & Visitors Bureau (Bureau), in a first year amount not to exceed \$5,815,629, and for the period July 1, 2000 to June 30, 2005, with an option to be exercised at the City's sole discretion to extend the term of the agreement for an additional five-year period. (Conventions, Arts and Entertainment)

Approved.

9 GENERAL GOVERNMENT

- h. Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Camp Dresser & McKee (CDM) for FY 2000-2001 CIP Engineering design support services in an amount not to exceed \$689,000 and for additional services in an amount not to exceed \$160,000, for a total agreement amount not to exceed \$849,000. CEQA: Exempt. (Environmental Services)

Resolution No. 69752 adopted.

- i. Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Harris & Associates for CIP Engineering construction management services in an amount not to exceed \$750,000, and for an agreement term from July 1, 2000 through June 30, 2003. CEQA: Exempt. (Environmental Services)

Resolution No. 69753 adopted.

- j. Adoption of a resolution authorizing the City Manager to execute a cost sharing agreement with the Santa Clara Valley Water District (District) covering the period July 1, 2000 to June 30, 2001, for the implementation of water conservation programs, resulting in up to \$2,372,450 in cost sharing, of which up to \$584,950 may be available to the District and \$1,787,500 may be available to the City. (Environmental Services)

Resolution No. 69754 adopted.

- k. (1) Approval of the rejection of all proposals submitted in response to the Request for Proposals (RFPs) issued for professional services for three (3) Full Service Ultra-Low Flush Toilet (ULFT) Installation Programs: The Community Partnership Program, Full Service Small Multi-Family Dwelling Program, and the Single Family Dwelling Fee for Service Program for FY 2000-2001.

Approved.

- (2) Approval of an agreement with Conservation Retrofitter Inc., d.b.a. California Water Conservation Company (CWCC), negotiated as a sole-source contractor, to implement the following programs:

- (a) Full Service Small Multi-Family Dwelling (Small MFD) Program for the installation by January 24, 2001, of at least 3,500 ULFTs in small multi-family dwellings for a total amount not to exceed \$543,848;
- (b) Single Family Dwelling Fee for Service (SFD-FFS) Program for the installation of at least 1,000 ULFTs in single family dwellings by May 31, 2001 for a total amount not to exceed \$146,360;
- (c) Community Partnership Program (CPP) for the installation of at least 7,500 ULFTs in low income, elderly, and disabled single family dwellings by May 31, 2001, for total amount not to exceed \$1,322,700.

Approved.

(Continued on next page)

9 GENERAL GOVERNMENT

- k. (3) Adoption of a resolution authorizing the City Manager to:
- (a) Exercise an option to extend the agreement to provide for the installation by May 31, 2001, of up to 6,200 additional ULFTs under the Small MFD Program in small multi-family dwellings at the 2000-2001 unit costs, for a total amount not to exceed \$963,387, subject to appropriation of funds for FY 2000-01.
 - (b) Exercise a second option to extend the agreement to provide for the installation by July 31, 2001, of up to 4,500 additional ULFTs under the Small MFD Program in small multi-family dwellings at the 2000-2001 unit costs, for a total amount not to exceed \$699,233, subject to appropriation of funds for FY 2000-01.

(Environmental Services)

Resolution No. 69755 adopted.

- l. PUBLIC HEARING and adoption of a resolution approving and adopting the fifth amendment to the Countywide Nondisposal Facility Element to identify nondisposal facilities Butterick Enterprises Recyclery at 505 Burke Street and Premier Recycling Facility at 260 Leo Avenue. CEQA: Exempt. (Environmental Services)

Public hearing held; there was no testimony from the floor.

Resolution No. 69756 adopted.

- m. Approval of purchase of a Law Enforcement Professional Liability insurance policy to cover the secondary employment program from Zurich Specialties London Limited for the period July 1, 2000 and through June 30, 2001, in an amount not to exceed \$391,500. (Finance)

Approved.

- n. (1) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with ESI Enterprise Solutions for consulting services for the HR Payroll System, increasing the compensation by \$810,000, from \$440,000 to \$1,250,000, and extending the term of the agreement from June 30, 2000 to June 30, 2001.

Resolution No. 69757 adopted.

- (2) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Resource Support Associates (RSA) for consulting services for the HR Payroll System, increasing the compensation by \$507,000, from \$470,000 to \$977,000, and extending the term of the agreement from June 30, 2000 to June 30, 2001.

(Finance)

Resolution No. 69758 adopted.

9 GENERAL GOVERNMENT

- o. (1) TEFRA Hearing for the issuance of up to \$13 million in tax-exempt multifamily housing revenue bonds for the Willow Glen Senior Apartments Project.

TEFRA Hearing held; there was no testimony from the floor.

- (2) Adoption of a resolution:

- (a) Expressing the City's intent to issue up to \$13 million in multifamily tax-exempt revenue bonds to finance the construction of a 133-unit senior rental housing project located at 461 - 479 Willow Glen Way at the intersection of Northern Road, and 1701, 1717 Almaden Road at the intersection of Willow Glen Way.
- (b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$13 million in private activity bonds.
- (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with The Related Companies of California/Community Housing Developers, or an affiliated entity, for the CDLAC Application for the Willow Glen Senior Apartments Project.

(Finance/Housing)

Resolution No. 69759 adopted.

- p. TEFRA Hearing for the issuance of up to \$9.5 million in tax-exempt multifamily housing revenue bonds for the Clover Studios Housing Project. (Finance/Housing)

Dropped.

- q. (1) TEFRA Hearing for the issuance of up to \$10 million in tax-exempt multifamily housing revenue bonds for the Craig Gardens Senior Housing Project.

TEFRA Hearing held; there was no testimony from the floor.

- (2) Adoption of a resolution:

- (a) Expressing the City's intent to issue up to \$10 million in multifamily tax-exempt revenue bonds to finance the construction of a 90-unit senior rental housing project located on the northeast corner of Bascom Avenue and Elden Drive.
- (b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$10 million in private activity bonds.
- (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with First Community Housing, or an affiliated entity for the CDLAC Application for the Craig Gardens Senior Housing Project.

(Finance/Housing)

Resolution No. 69760 adopted.

9 GENERAL GOVERNMENT

- r. (1) TEFRA Hearing for the issuance of up to \$6 million in tax-exempt multifamily housing revenue bonds for the Monte Vista Gardens Senior Housing Project, Phase I and up to \$5 million in tax-exempt multifamily housing revenue bonds for the Monte Vista Gardens Senior Housing Project, Phase II.

TEFRA Hearing held; there was no testimony from the floor.

- (2) Adoption of a resolution:

- (a) Expressing the City's intent to issue up to \$6 million in multifamily tax-exempt revenue bonds to finance the construction of a 69-unit senior rental housing project (Phase I), and \$5 million in multifamily tax-exempt revenue bonds to finance construction of a 48-unit senior rental project (Phase II), located on the west side of South Capitol Avenue, north of Lombard Avenue near Alum Rock Avenue.
- (b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$11 million in private activity bonds, either separately or on a combined basis, for the Phase I and Phase II Projects.
- (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with ROEM Development Corporation, or an affiliated entity for the CDLAC Application for the Monte Vista Gardens Senior Housing Project, Phases I & II.

(Finance/Housing)

Resolution No. 69761 adopted.

- s. (1) TEFRA Hearing for the issuance of up to \$12 million in tax-exempt multifamily housing revenue bonds for the South Bascom Senior Housing Project.

TEFRA Hearing held; there was no testimony from the floor.

- (2) Adoption of a resolution:

- (a) Expressing its intent to issue up to \$12 million in multifamily tax-exempt revenue bonds to finance the construction of a 125-unit senior rental housing project located at 2255 and 2261 South Bascom near Elden.
- (b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$12 million in private activity bonds.
- (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Housing Authority County of Santa Clara or an affiliated entity for the CDLAC Application for the South Bascom Senior Housing Project.

(Finance/Housing)

Resolution No. 69762 adopted.

9 GENERAL GOVERNMENT

- t. (1) TEFRA Hearing for the issuance of up to \$21 million in tax-exempt multifamily housing revenue bonds for the Fountains Apartments Multifamily Housing Project.

TEFRA Hearing held; there was no testimony from the floor.

- (2) Adoption of a resolution:
- (a) Expressing the City's intent to issue up to \$21 million in multifamily tax-exempt revenue bonds to finance the acquisition-rehabilitation of a 230-unit family rental housing project located at 175 Calvert Drive.
 - (b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$21 million in private activity bonds.
 - (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Pacific American Properties, Inc., or an affiliated entity for the CDLAC Application for The Fountains Apartments Multifamily Housing Project.

(Finance/Housing)

Resolution No. 69763 adopted.

- u. (1) TEFRA Hearing for the issuance of up to \$35 million in tax-exempt multifamily housing revenue bonds for the Cannery Multifamily Housing Project.

TEFRA Hearing held; there was no testimony from the floor.

- (2) Adoption of a resolution:
- (a) Expressing the City's intent to issue up to \$35 million in multifamily tax-exempt revenue bonds to finance the construction of up to a 240-unit family rental housing project located at 1525 - 1585 Almaden Road.
 - (b) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$35 million in private activity bonds.
 - (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Barry Swenson Builders, or an affiliated entity for the CDLAC Application for The Cannery Multifamily Housing Project.

(Finance/Housing)

Resolution No. 69764 adopted.

- v. Adoption of a resolution authorizing the Director of General Services to execute the second amendment to the agreement for Telemetered Wastewater Flow Monitoring and Rainfall Gauge System and Services with ADS Environmental Services:

- (1) Extending the term of the agreement from June 30, 1999 to December 31, 2000.
- (2) Increasing the maximum amount of compensation by \$536,923.50, from \$1,699,901 to \$2,236,824.50.

(General Services/Public Works)

Resolution No. 69765 adopted.

9 GENERAL GOVERNMENT

- w. Award the purchase as a sole source of two (2) new FMC Jetway Systems Passenger Boarding Bridges and components to upgrade two (2) existing units purchased for the Department of Aviation at a total cost of \$639,160, including freight and tax, and authorization for the Director of General Services to execute the purchase order. CEQA: Resolution No. 67380. (General Services/Airport)
Approved.
- x. (1) Approval of award of the purchase of a replacement Cessna fixed wing aircraft to Bridgeford Flying Services, as a sole source purchase, at a total cost of \$278,202.50, including tax and freight, and authorization for the Director of General Services to execute the purchase order. CEQA: Exempt. (Police/General Services)
Approved.
- (2) Award the purchase of a replacement helicopter for the Police Department to American Eurocopter Corporation (AEC) as a sole source purchase and for a total cost of \$1,466,318, including tax, and authorization for the Director of General Services to execute the purchase order. CEQA: Negative Declaration. (General Services/Police)
Approved.
- (3) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's equipment appropriation by \$1,164,550 for expenses related to the purchase of a helicopter and a fixed wing aircraft. (Police/City Manager's Office)
Ordinance No. 26156 adopted.
Resolution No. 69766 adopted.
- y. Adoption of a resolution:
- (1) Approving a conditional fund reservation for an acquisition and development loan of up to \$1,100,000 to Pacific American Properties, Inc. for a 230-unit housing project affordable to very low-, low-income, and market rate households on a 6.825-acre site located at 175 Calvert Drive, directly south of Stevens Creek Boulevard.
- (2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.
- (3) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.
(Housing)
Resolution No. 69767 adopted.

9 GENERAL GOVERNMENT

- z. Adoption of a resolution authorizing the issuance of tax-exempt multifamily housing revenue bonds in the principal amount not to exceed \$9.9 million and approving a loan of bond proceeds to 901 South Sixth Street Associates, L.P., a California limited partnership created by JSM Enterprises, Inc., for financing the construction of the Sixth and Martha Apartments - Phase I project including:
- (1) Approving in substantial form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Multifamily Note, Mortgage, Assignment of Mortgage Loan, Contract of Purchase, Subordination Agreement, Official Statement and Remarketing Agreement; authorizing the Acting Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
 - (2) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds and the repayment of the Mortgage Loan to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Acting Director of Finance.

(Housing/Finance)

Resolution No. 69768 adopted.

- aa. Adoption of a resolution:
- (1) Increasing the City loan from \$4,532,000 to \$4,985,000 to 901 South Sixth Street Associates, L.P., or its designated partnership, for the development of a 103-unit housing project affordable to low- and very low-income households on a 1.97-acre site located on the southwest corner of 6th and Martha Streets.
 - (2) Approving business terms for a construction loan of up to \$4,985,000 and a permanent loan of up to \$5,092,000 for the project.
 - (3) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing)

Resolution No. 69769 adopted.

- bb. Adoption of a resolution:
- (1) Approving business terms for a construction loan of up to \$7,200,000 to ROEM Development Corporation, or its designated partnership, for the development of a 144-unit housing project affordable to extremely low-, very low-, low-income, and market-rate households on a 4.98-acre site located on the west side of South Capitol Avenue, north of Lombard Avenue.
 - (2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing)

The Staff report was amended to drop Condition #4 listed on page 5.

Resolution No. 69770 adopted.

9 GENERAL GOVERNMENT

cc. Adoption of a resolution:

- (1) Approving business terms for a construction loan of up to \$3,501,228 to Community Home Builders and Associates, or its designated partnership, for the development of a 75-unit housing project affordable to low-, very low-, and extremely low-income households on a 3.2-acre site located on the west side of King Road, northerly of Mabury Road.
- (2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing)

Resolution No. 69771 adopted.

dd. Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Franklin McKinley School District in an amount not to exceed \$643,000 for the development of facilities at McKinley and George Shirakawa, Sr. Elementary Schools to be operated as San José Smart Start Early Childhood Development Centers for a term ending June 30, 2015. CEQA Exempt. (Parks, Recreation and Neighborhood Services)

Resolution No. 69772 adopted.

ee. Adoption of a resolution approving a revision of the 2000-2005 Consolidated Plan to include information on the specific projects selected for funding through the supplemental Request for Proposal. (Parks, Recreation and Neighborhood Services)

Resolution No. 69773 adopted.

ff. Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with URS Greiner Woodward Clyde for design services for the Runway 30 Left Reconstruction Project at the San José International Airport in a total amount not to exceed \$3,000,000, and for a term through December 31, 2002. CEQA: Resolution No. 67380. (Public Works)

Resolution No. 69774 adopted.

gg. Report on bids, relieve the low bidder, Bay Pacific Pipeline, Inc., of its bid without forfeiture of its bid security, and award of contract for the San José International Airport - Santa Clara Sanitary Sewer Relocation Project to the lowest responsive bidder, Mountain Cascade, Inc., in the amount of \$1,547,740, and approval of a contingency in the amount of \$155,000. CEQA: Resolution No. 67380. (Public Works)

Approved.

hh. Adoption of a resolution authorizing the City Manager to negotiate and execute the fifth amendment to the agreement with PB Aviation, Inc. for the program management, construction management, and runway design for the Airport Master Plan, to increase the compensation by \$7,950,000, for a total agreement amount not to exceed \$18,450,000, and extending the term of the agreement from February 1, 2001 to February 1, 2003. (Public Works)

Resolution No. 69775 adopted.

9 GENERAL GOVERNMENT

- ii. Report on bids and award of contract for the Installation of Traffic Signal Unit 99C Project to the low bidder, San José Signal Electric Construction, Inc. in the amount of \$410,548. CEQA: Exempt. (Public Works)
Approved.
- jj. Report on bids and award of contract for the Julian-Sunol Sanitary Sewer Rehabilitation Phase II Project to the low bidder, Insituform Technologies, Inc., in the amount of \$529,930, and approval of a contingency in the amount of \$53,000. CEQA: Exempt. (Public Works)
Approved.
- kk. Report on bids and award of contract for the Monterey-Riverside Supplement Sanitary Sewer Project to the low bidder, Elmore Pipe Jacking, Inc., in the amount of \$4,131,275, and approval of a contingency in the amount of \$413,000. CEQA: Exempt. (Public Works)
Approved.
- ll. Approval of a program to fund private electrical service panel conversions, up to a maximum of \$1,500 each, related to utility undergrounding projects through the use of the City's yearly Rule 20A allocation and grants from the General Fund for rule 20B projects. (Public Works)
Approved.
- mm. Report on bids and award of contract for the Fire Station No. 30 Remodel and Seismic Upgrade Project to the low bidder, Eddie Torrez Construction Company, Inc., for the base bid and Add Alternate in the amount of \$941,000, and approval of a contingency in the amount of \$95,000. CEQA: Exempt. (Public Works)
Approved.
- nn. Report on bids and award of contract for the Bascom Avenue Median Island Landscaping Phases II & III Project to the low bidder, Terra-Cal Construction, Inc., in the amount of \$867,644, and approval of a contingency in the amount of \$87,000. CEQA: Exempt. (Public Works)
Approved.
- oo. Report on bids and award of contract for the Forest-Rosa Sanitary Sewer Supplement Rehabilitation Phase II Project to the low bidder, J. W. Ebert Construction, in the amount of \$988,815, and approval of a contingency in the amount of \$100,000. CEQA: Exempt. (Public Works)
Approved.
- pp. Report on bids and award of contract for the Terminal C, South Concourse Door Replacement Project to the sole bidder, Eddie Torrez Construction Co., Inc., for the base bid and Add Alternate No. 1 in the amount of \$375,000, and approval of a contingency in the amount of \$37,500. (Public Works)
Approved.

9 GENERAL GOVERNMENT

- qq. Report on bids and award of contract for the San José International Airport Interim Federal Inspection Services Facility to the sole bidder, S.J. Amoroso Construction Co., Inc., in the amount of \$31,037,000, and approval of a contingency in the amount of \$3,100,000. CEQA: Resolution No. 67380. (Public Works)
Approved. Staff was directed to: (1) Report back in August with the labor agreement for the subject contract, and (2) Review and provide recommendations as soon as possible for prequalification criteria for subcontractors. Noes: Diquisto.
- rr. Approval of two agreements with Pacific Gas & Electric Company (PG&E) for conversion of overhead facilities to underground facilities within the combination Rule 20A/In-Lieu Fee (Rule 20B) Underground Utility District at Capitol Avenue (Phase I) in the amount of \$906,604. CEQA: Resolution No. 69501.1. (Public Works)
Approved.
- ss. Report on bids and award of contract for the FY 2000-01 Pavement Maintenance Slurry Seal program to low bidder, Bond Blacktop, Inc. in the amount of \$1,433,450. CEQA: Exempt. (Streets and Traffic)
Approved.
- tt. Approval to reject all bids for the FY 1999-00 Remove and Replace Asphalt Concrete Pavement 2000 Project and authorization for the Director of Streets and Traffic to readvertise and re-bid the project. CEQA: Exempt. (Streets and Traffic)
Approved.
- uu. Approval of Arts Commission recommendation to adopt a resolution authorizing the City Manager to negotiate and execute Arts Venture Grant agreements with nine (9) organizations in a total amount not to exceed \$225,000.
[Economic and Community Development Committee referral 6/5/00 – Item 7d(1)]
(Deferred from 6/20/00 – Item 9k)
Resolution No. 69776 adopted.
- vv. (1) Allocate funds from the Office of Cultural Affairs FY 2000-01 Arts Program budget, for Grants, Community Arts Development, Cultural Education and Neighborhood Arts, and miscellaneous program costs, in a total amount not to exceed \$4,739,629.

Approved.

(Continued on next page)

9 GENERAL GOVERNMENT

- vv. (2) Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements as follows:
- (a) FY 2000-01 Festival, Parade and Celebration Grant Agreements with 28 organizations for 35 events, in a total amount not to exceed \$350,574.
 - (b) FY 2000-01 Arts Grant Agreements with 59 organizations, in a total amount not to exceed \$2,989,451.
 - (c) FY 2000-01 Arts Program Grant Agreements with Children's Discovery Museum of San José in an amount not to exceed \$75,000, San José State University Foundation for ArtPath in an amount not to exceed \$58,000, Arts Council Silicon Valley in an amount not to exceed \$45,000, and the San José Convention and Visitors Bureau in an amount not to exceed \$15,000.

[Economic and Community Development Committee referral 6/5/00 – Item 7d(2)]
[Deferred from 6/20/00 – Item 9l]

Resolution No. 69777 adopted.

Staff was directed to review the criteria relative to the needs of small groups for incorporation into the new cultural affairs grant process being implemented.

- ww. (1) Approval to reject all bids for the Japanese Friendship Garden Restrooms, and authorization for the Director of Public Works to re-advertise and re-bid the project at a later date. CEQA: Exempt. (Public Works)

Approved.

- (2) Adoption of appropriation ordinance amendments in the Citywide Construction and Conveyance Tax Fund increasing the Japanese Friendship Garden Restroom/Picnic Renovation Project by \$160,000. (City Manager's Office)

[Deferred from 6/13/00 – Item 9j and 6/20/00 – Item 9q(1) & (2)]

Dropped.

- xx. Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for the purchase of technology equipment for the Customer Service Call Center in an amount not to exceed appropriate funds. (City Manager's Office)
(Rules Committee referral 6/21/00)

Resolution No. 69778 adopted.

- yy. Adoption of a resolution authorizing the City Manager to negotiate and execute a zero-interest loan agreement with the Mexican Heritage Corporation in a total amount not to exceed \$650,000, for the purpose of operation and maintenance of the Mexican Heritage Plaza - Centro Cultural de San José. (Conventions, Arts and Entertainment)
(Rules Committee referral 6/21/00)

Resolution No. 69779 adopted.

9 GENERAL GOVERNMENT

- zz. Adoption of a resolution authorizing the City Manager to negotiate and execute all contracts related to the award of funding, whether one-time or base budget funds, to Community Based Organizations as recommended for program or operating funding in the Mayor's FY 2000-2001 Budget Direction memorandum of June 6, 2000, as approved by the City Council on June 13, 2000, and in the Manager's Budget Addendum #25 in a total amount not to exceed \$2,154,200. (Conventions, Arts and Entertainment)
(Rules Committee referral 6/21/00)

Resolution No. 69780 adopted.

- aaa. Adoption of a resolution authorizing the City Manager to purchase a property insurance policy for Fiscal Year 2000-01 in an amount not to exceed \$600,000. (Finance)
(Rules Committee referral 6/21/00)

Resolution No. 69781 adopted.

- bbb. Adoption of a resolution:

- (1) Selecting BRIDGE Housing Corporation/Community Home Builders and Associates ("BRIDGE/CHBA"), or its designated affiliates, as the developer(s) of the Roberts Avenue Housing projects on a City-owned 6.2-acre (5.4 acres net) site at the northeast corner of Roberts Avenue and Vintage Drive.
- (2) Approving business terms for two (2) unsecured predevelopment loans of up to \$500,000 each to BRIDGE/CHBA, or its designated affiliates, for each of the two (2) Roberts Avenue Housing Projects.
- (3) Authorizing the City Manager to negotiate and execute all necessary documents evidencing said predevelopment loan on behalf of the City.
- (4) Authorizing the City Manager to execute and submit applications on behalf of BRIDGE/CHBA for the rezoning of the subject 6.2-acre City-owned site.

(Housing)

(Rules Committee referral 6/21/00)

Resolution No. 69782 adopted.

- ccc. Adoption of a resolution:

- (1) Approving business terms for an acquisition/permanent loan of up to \$5,500,000, to El Rancho Verde Preservation, L.P., or their designated partnership, to fund the partial costs for acquisition of the 700-unit El Rancho Verde Apartments, a HUD Section 8 preservation project affordable to low- and very low-income families on a 34.17-acre site located at 300 and 307 Checkers Drive on the northwest corners of McKee Road and Checkers Drive.
- (2) Authorizing the City Manager to negotiate and execute all necessary documents on behalf of the City.

(Housing)

(Rules Committee referral 6/21/00)

Resolution No. 69783 adopted.

9 GENERAL GOVERNMENT

ddd. Adoption of resolutions:

- (1) (a) Approving an increase in the acquisition/predevelopment loan from \$2,900,000 to \$3,697,000 and a conditional loan of up to \$738,000 to Craig Gardens, L.P., or its designated partnership, for the development of the 90-unit Craig Gardens Senior Housing Project located at the northeast corner of Bascom Avenue and Elden Drive.
- (b) Authorizing the City Manager to negotiate and execute all necessary loan terms and documents on behalf of the City.

Resolution No. 69784 adopted.

- (2) (a) Approving an increase in the acquisition/predevelopment loan from \$4,250,000 to \$5,980,000 to the Housing Authority of the County of Santa Clara, or its designated partnership, for the development of a 125-unit senior housing project located at 2555 and 2561 South Bascom Avenue.
- (b) Authorizing the City Manager to negotiate and execute all necessary loan terms and documents on behalf of the City.

Resolution No. 69785 adopted.

- (3) (a) Approving an increase in the acquisition/predevelopment loan from \$2,930,000 to \$3,810,000 and a conditional loan of \$422,000 to ROEM Development Corporation, or its designated partnership for the development of a 69-unit senior housing project located on the west side of South Capitol Avenue, north of Lombard Avenue.
- (b) Authorizing the City Manager to negotiate and execute all necessary loan terms and documents on behalf of the City.

(Housing)

Resolution No. 69786 adopted.

eee. Adoption of a resolution:

- (1) Authorizing the use of up to \$150,000 in Rental Rehabilitation Program (RRP) Income (Fund 442), to provide manufactured housing loan assistance under the Teacher Homebuyer Loan Program.
- (2) Authorizing the Director of Housing to negotiate and execute necessary documents to provide manufactured housing loan assistance, using RRP Income.

(Housing)

(Rules Committee referral 6/21/00)

Resolution No. 69787 adopted.

9 GENERAL GOVERNMENT

fff. Adoption of a resolution:

- (1) Modifying the Teacher Homebuyer Program (THP) adopted by the City Council on June 29, 1999 and revised on April 4, 2000 as follows:
 - (a) Provide teachers with a grant of up to \$15,000 to cover expenses related to the rehabilitation of their new home.
[9fff(1)(a) Dropped].
 - (b) Provide incentives to buyer's agents by providing an additional 3% commission not to exceed \$5,000, to those successfully matching a teacher with a home; and provide incentives to buyer's lenders by providing an additional 1% commission to those successfully assisting a teacher in obtaining a loan.
- (2) Provide bridge financing to teachers using funds from the Low and Moderate Income Housing Fund.
- (3) Authorizing the City Manager to negotiate and enter into any agreements with real estate service providers necessary to administer the THP Program.

(Housing)

(Rules Committee referral 6/21/00)

Resolution No. 69788 adopted.

ggg. Adoption of a resolution authorizing the City Manager to negotiate and execute an office lease for the Transportation Division of the Public Works Department not to exceed four (4) years for approximately 8,000 usable square feet of office space at a rental rate not to exceed \$300,000 during the 2000-01 fiscal year, and not to exceed a total of \$2,000,000 for the entire term of the lease, and tenant improvements of \$300,000, for combined rental costs of \$2,300,000 on terms comparable to those in recently negotiated office space leases providing for termination with no more than six (6) month's notice. (Public Works)

(Rules Committee referral 6/21/00)

Resolution No. 69789 adopted.

hhh. Approval of evaluation criteria for the Recycle Plus Request for Proposals. (Mayor)
(Rules Committee referral 6/21/00)

Council approved the criteria for evaluating Recycle Plus Request for Proposals recommended in the memorandum by Mayor Gonzales and Council Members Fiscalini and Chavez dated June 26, 2000.

iii. Refer to the Planning Department for study and consideration for inclusion in the Annual Update of the General Plan a change in allowable building heights for the area of Bascom and Highway 280. (Fiscalini)

(Rules Committee referral 6/21/00)

Council approved the recommendations in Vice Mayor Fiscalini's memorandum dated June 20, 2000.

9 GENERAL GOVERNMENT

- jjj. (1) Refer to the Planning Department for study and consideration for inclusion in the Annual Update of the General Plan a change in General Plan Designation for the area bounded by Stockton Avenue, Cinnabar, and West Julian.
- (2) Refer to the Planning Department for study and consideration of a mixed-use overlay for the area bounded by Stockton Avenue, West Julian, The Alameda, and Rhodes Court but excluding properties fronting onto Rhodes Court.

(Fiscalini)

(Rules Committee referral 6/21/00)

Council approved the recommendations in Vice Mayor Fiscalini's memorandum dated June 20, 2000.

- kkk. Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with the B.E.S.T. Eligible Service Providers, consistent with the Cycle X Allocation Plan in a total amount not to exceed \$3,088,000.
[Education, Neighborhoods, Youth, and Seniors Committee referral June 19, 2000 – Item 7f(1)]

Resolution No. 69790 adopted.

- lll. Recommendation to direct staff to prepare changes in signage regulation for Council adoption in August 2000 that reflect recommendations of Signage Advisory Committee.

(Mayor/Chavez)

(Orders of the Day 4b)

Council referred the recommendations in memorandum by Mayor Gonzales and Council Member Chavez dated June 26, 2000 to the Economic and Community Development Committee for review and report back to the Council. Noes: Woody.

10 FISCAL AFFAIRS

- a. Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating funds to reflect estimated FY 1999-2000 revenue receipts, expenses, and encumbrances. (City Manager's Office)

Ordinance No. 26157 adopted.

Resolution No. 69791 adopted.

- b. Adoption of a resolution to:

(1) Establish facility use fees for the Convention Center for Calendar Year 2003.

(2) Establish optional equipment and service fees for Montgomery Theater for Fiscal Year 2000-01.

(3) Supersede the previous rate Resolution No. 69047.

(Conventions, Arts and Entertainment)

Resolution No. 69792 adopted.

10 FISCAL AFFAIRS

- c. Adoption of a resolution approving, confirming, and adopting the City of San José Library Benefit Assessment District Annual Report for Fiscal Year 2000-01 and levying the assessments. (Public Works)

Resolution No. 69793 adopted.

- d. First public meeting for the re-authorization of Maintenance District 12 (North First - Tasman) and to receive public comment. (Public Works)

First Public Hearing held; there was no testimony from the floor.

- e. (1) PUBLIC HEARING on Maintenance District 8 (Zanker-Montague).

Public Hearing opened; Jeffrey L. Barnes, Managing Member, First Montague Development Company, Llc. submitted his ballot in support of the Maintenance District for Assessor's Parcel Number 097-13-095; and the hearing was closed.

- (2) Report out of ballot tallies and, if approved by property owners, adoption of a resolution approving the Engineer's Report for Maintenance District 8 (Zanker-Montague) for Fiscal Year 1999-2000, and approving and imposing the respective assessments and the City's contribution therein.

(Public Works)

City Clerk Patricia L. O'Hearn presented results of the tabulation of the property owner ballots for Maintenance District 8: Property owners to be assessed in the amount of \$10,021.26 have returned ballots in support of the Assessment; Property owners to be assessed in the amount of \$7,569.26 have returned ballots in opposition to the Assessment; Ballots submitted in support of the Assessment exceed ballots submitted in opposition to the Assessment in Maintenance District 8; the City Council may vote on imposition of the assessment. Resolution No. 69794 adopted.

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

Council convened the Redevelopment Agency Board at 4:47 p.m. to consider Items 11a, 11b, 11c, AND 11d in a Joint Session.

- a. Approval of Council Policy 12-1 which establishes a consistent and uniform approach for estimating and reporting construction project costs and establishing construction project budgets. (City Manager's Office/Redevelopment Agency)
Deferred to 8/1/00.
- b. (1) Approval of an agreement with the Redevelopment Agency (Agency), assigning the management and operating agreements for the operation of various Agency owned parking facilities from the Agency to the City of San José. (Streets and Traffic/Redevelopment Agency/City Manager's Office)
Approved.

(2) Approval of a Property Use Agreement with the Redevelopment Agency, granting to the City the exclusive right to use the Oasis Parking Lot for purposes of operating a public parking facility. (Redevelopment Agency/City Manager's Office)
Approved.
- c. Adoption of resolutions by the City and Redevelopment Agency implementing City Charter Amendment Measure BB – City Contractor Participation in At-Risk Youth Apprenticeship Program. (Equality Assurance)
Resolution No. 69795 adopted.
Redevelopment Agency resolution adopted.
- d. (1) Approval by City Council of agreements with Macias, Gini & Co. LLP for audit services to perform:
 - (a) The Annual Financial Audit for fiscal years 1999-2000, 2000-01, 2001-02, subject to subsequent appropriation, for a fee not to exceed \$395,638 for the audit of fiscal year 1999-2000.
 - (b) The Annual Clean Water Financing Authority Audit for a fee not to exceed \$13,484 for the audit of fiscal year 1999-2000.
 - (c) The Annual South Bay Dischargers Audit for a fee not to exceed \$3,208 for the audit of fiscal year 1999-2000.
 - (d) The Annual San José Parking Authority audit for a fee not to exceed \$8,507 for the audit of fiscal year 1999-2000.**Approved.**

(2) Approval by the Redevelopment Agency Board of an agreement with Macias, Gini & Co. LLP for audit services to perform the Annual Redevelopment Agency Audit for a fee not to exceed \$72,900 for the audit of fiscal year 1999-2000. (City Auditor) (Orders of the Day 4a)
Approved.

Council adjourned the Redevelopment Agency Board Portion of the meeting at 4:48 p.m.

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 CLOSED SESSION REPORT

City Attorney Richard Doyle disclosed the following Closed Session actions of June 27, 2000:

A. Authority to Initiate Litigation in one (1) matter.

The name of the action and the defendants as well as the substance of litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

Council Vote: Ayes: Chavez, Dando, Diaz, Diquisto, Fiscalini, LeZotte, Matthews, Powers, Shirakawa, Woody; Gonzales.

Noes: None.

Absent: None.

Abstain: None.

15 ORAL COMMUNICATIONS

HEARD JOINTLY WITH REDEVELOPMENT AGENCY PUBLIC DISCUSSION

- (1) Richard J. Dollar-Brown, San José Civic Plaza Development Project Area Committee, recommended building four small rather than one large garage.**
- (2) Carl Guardino, Santa Clara Valley Manufacturing Group, reported on the actions of the VTA to address traffic congestion in the area.**
- (3) Ross Signorino thanked Council Member Matthews for assistance provided to him and wished her success in her new endeavors.**

16 ADJOURNMENT

The Council of the City of San José adjourned at 4:58 p.m. to a joint meeting of the City Council/San José Financing Authority.

The Council of the City of San José adjourned in memory of I. K. Ishimatsu, a farmer, landowner and developer in Santa Clara Valley who was influential in the Japanese-American community. Mr. Ishimatsu, who was born in Eguchi Township, Mongata, Sukuoka-ken, Japan and migrated to San José as a teenager, died on June 21, 2000 at 100 years of age.

The following resolutions were adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, June 27, 2000:

- 8b Resolution of the Council of the City of San José (1) Accepting the Summary of Costs and the Findings of the Summary Report and the Reuse Value and Findings of the Reuse Appraisal Pursuant to California Health and Safety Code Section 33433, for the Construction of a Three-Phase Class A Office Development Located at the Northwest Corner of Almaden Boulevard and Woz Way; and (2) Approving the Disposition and Development Agreement with Boston Properties Limited Partnership for the Project.**

Resolution No. 69797 adopted.

- 8c Resolution of the City of San José (1) Accepting the Summary of Costs and the Findings of the Summary Report and the Reuse Value and Findings of the Reuse Appraisal Pursuant to California Health and Safety Code Section 33433, for the Development of a Class A Office Building Located on East San Fernando Street Between First and Second Streets; and (2) Approving the Disposition and Development Agreement with Kimball Small Properties for the Project and Authorizing the Executive Director to Execute the DDA and Related Documents and to Approve Minor Changes in these Documents.**

Resolution No. 69798 adopted.

**JOINT CITY COUNCIL/
CITY OF SAN JOSÉ FINANCING AUTHORITY
AGENDA**

1:30 P.M

TUESDAY, JUNE 27, 2000

CHAMBERS

1. Call to Order

4:58 p.m. - Joint Session, Council Chambers, City Hall

Absent: Council Member: - Diaz, Shirakawa, Woody.

2. (a) Adoption of a resolution approving the Source and Use of Funds for FY 2000-01 for the Hayes Mansion Trust Fund including the budget and appropriation of debt service for the City of San José Financing Authority 1995 Lease Revenue Taxable Series A Bonds and the 1995 Lease Revenue Tax-Exempt Series B Bonds.

Resolution No. SJFA-42 adopted.

- (b) Adoption of a resolution expanding the allowable uses of the Hayes Mansion Trust Fund, Interest Reserve Account to include the prepayment of principal on the Bonds to the extent the balance is maintained at \$1,500,000.
(Finance)

Resolution No. SJFA-43 adopted.

3. (a) Adoption of a resolution of the City of San José Financing Authority amending resolution number SJFA-40 to increase the maximum initial aggregate principal amount for the Tuers-Capitol Golf Course and Camden Park Refunding project by \$1.5 million, from \$22 million to \$23.5 million.

Resolution No. SJFA-44 adopted.

- (b) Adoption of a resolution by the City Council acknowledging the San José Financing Authority's increase in the maximum authorized initial aggregate principal amount for the Tuers-Capitol Golf Course and Camden Park Refunding Project by \$1.5 million, from \$22 million to \$23.5 million.

(Finance)

Resolution No. 69796 adopted.

4. Adjournment

The Joint City Council/San José Financing Authority was adjourned at 5:00 p.m.